

**SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001**

June 15, 2011

Neil Gillespie
8092 SW 115th Loop
Ocala, FL 34481

RE: In Re Neil J. Gillespie

Dear Mr. Gillespie:

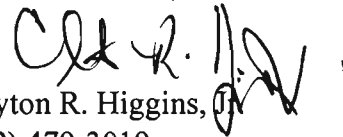
The above-entitled petition for an extraordinary writ of prohibition was received on June 15, 2011. The papers are returned for the following reason(s):

The petition does not show how the writ will be in aid of the Court's appellate jurisdiction, what exceptional circumstances warrant the exercise of the Court's discretionary powers, and why adequate relief cannot be obtained in any other form or from any other court. Rule 20.1.

The petition does not follow the form prescribed by Rule 14 as required by Rule 20.2.
A copy of the corrected petition must be served on opposing counsel.

Sincerely,
William K. Suter, Clerk

By:


Clayton R. Higgins, Jr.
(202) 479-3019

Enclosures

June 11, 2011

Clerk of the Court
Supreme Court of the United States
1 First Street, NE
Washington, DC 20543

ATTN: Mr. Danny Bickell, Esq.
Emergency Petition For Writ of Prohibition


Dear Clerk and Mr. Bickell:

I am an indigent, disabled, pro se, non-lawyer litigant. Please find enclosed the following:

1. Application to Justice Clarence Thomas under Rule 22 for an Emergency Petition For Writ of Prohibition. The original and two copies are enclosed, along with a proof of service.
2. One Appendix with Table of Contents.
3. Motion for leave to proceed in forma pauperis under Rule 39. Enclosed is the original motion and ten copies, and a proof of service.

I have made my best attempt to comply with the rules. Kindly bring any errors or omissions to my attention for correction. Thank you.

Sincerely,



Neil J. Gillespie
8092 SW 115th Loop
Ocala, Florida 34481
Telephone: (352) 854-7807
email: neilgillespie@mfi.net

Enclosures

No: _____

IN THE
SUPREME COURT OF THE UNITED STATES

NEIL J. GILLESPIE - PETITIONER

VS.

BARKER, RODEMS & COOK, PA, et al. - RESPONDENTS

PROOF OF SERVICE

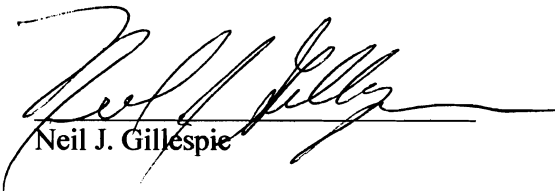
I, Neil J Gillespie, do swear or declare that on this date, June 11, 2011, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* and EMERGENCY PETITION FOR WRIT OF PROHIBITION on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days. The names and addresses of those served are as follows:

Ryan Christopher Rodems
Barker, Rodems & Cook, PA
400 North Ashley Drive, Suite 2100
Tampa, Florida 33602.

David A. Rowland, Court Counsel
Thirteenth Judicial Circuit Of Florida
Legal Department
800 E. Twiggs Street, Suite 603
Tampa, Florida 33602

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 11, 2011



Neil J. Gillespie

**Proof of Delivery**[Close Window](#)

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

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6.20 lbs

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06/11/2011

Delivered On:

06/14/2011 10:14 A.M.

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WASHINGTON, DC, US

Signed By:

LEE

Left At:

Receiver

Thank you for giving us this opportunity to serve you.

Sincerely,

UPS

Tracking results provided by UPS: 06/14/2011 10:46 A.M. ET

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corrected-conformed

No: _____

IN THE
SUPREME COURT OF THE UNITED STATES

NEIL J. GILLESPIE - PETITIONER

VS.

BARKER, RODEMS & COOK, PA, and WILLIAM J. COOK,

JUDGE JAMES D. ARNOLD,

THIRTEENTH JUDICIAL CIRCUIT, FLORIDA - RESPONDENTS

Emergency Petition For Writ of Prohibition, Appeal From

Order of The Supreme Court of Florida, Case No. SC11-858

Application to Justice Clarence Thomas

Emergency Petition For Writ of Prohibition

Submitted by

Neil J. Gillespie
Petitioner, pro se, non-lawyer
8092 SW 115th Loop
Ocala, Florida 34481
(352) 854-7807
neilgillespie@mfi.net

I. Application To Justice Clarence Thomas

1. Petitioner pro se, Neil J. Gillespie (“Gillespie”), makes application to Justice Clarence Thomas, pursuant to Rule 22, for an Emergency Petition For Writ of Prohibition.

II. Relief Sought In Lower Courts

2. In the Second District Court of Appeal, Florida (2dDCA), Case No. 2D11-2127, Gillespie filed a Verified Emergency Petition For Writ Of Prohibition, Motion For Change Of Venue. The *Verified Emergency Petition for Writ of Prohibition* sought removal of Circuit Court Judge James D. Arnold and the Thirteenth Judicial Circuit, Florida, from presiding over the lower tribunal case, Neil J. Gillespie vs. Barker, Rodems & Cook, PA, and William J. Cook, Case No. 05-CA-007205. The *Motion for Change of Venue* sought a change of venue to Marion County, Florida, where Gillespie resides. In the alternative Gillespie moved to consolidate the lower tribunal case with a federal civil rights and ADA disability lawsuit, Gillespie v. Thirteenth Judicial Circuit et. al, Case No. 5:10-cv-00503, US District Court, Middle District of Florida, Ocala Division. The 2dDCA denied 2D11-2127 by Order May 4, 2011 and Amended Order May 6, 2011. Pursuant to Rule 23.3, copies of the Order and Amended Order in 2D11-2127 are attached to this application as Exhibits 1 and 2 respectively.

3. In the Supreme Court of Florida, Case No. SC11-858, Gillespie filed Emergency Petition For Writ Of Habeas Corpus, Emergency Petition For Writ Of Prohibition. The *Emergency Petition for Writ of Prohibition* sought removal of Circuit Court Judge James D. Arnold and the Thirteenth Judicial Circuit, Florida, from presiding over the lower tribunal case, Neil J. Gillespie vs. Barker, Rodems & Cook, PA, and William J. Cook, Case No. 05-CA-007205. It relied upon the same Verified Emergency Petition For Writ Of Prohibition, Motion For Change Of Venue filed in 2D11-2127. The Supreme Court of Florida denied SC11-858 by Order May 18, 2011.

Pursuant to Rule 23.3, a copy of the Order is attached to this application as Exhibit 3. Since the Order only mentions the Petition for Writ of Habeas Corpus, also attached are copies of the Acknowledgment of New Case, Amended Acknowledgment of New Case, and case docket, each showing a Petition for Writ of Prohibition was filed, and thus denied by Order May 18, 2011.

III. Judgment For Review By This Court

4. For review by this Court is the judgment rendered by the Supreme Court of Florida in Case No. SC11-858, by Order issued May 18, 2011, that denied Gillespie's Emergency Petition for Writ of Prohibition, that sought to remove Circuit Court Judge James D. Arnold and the Thirteenth Judicial Circuit, Florida from presiding over the lower tribunal case, Neil J. Gillespie vs. Barker, Rodems & Cook, PA, and William J. Cook, Case No. 05-CA-007205. Pursuant to Rule 23.3, a copy of the Order is attached to this application. (Exhibit 3).

IV. Jurisdiction

5. This Court has jurisdiction under 28 U.S.C. § 1651(a). The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.

6. This Court has jurisdiction under the United States Constitution, Article III, Section 2, all cases affecting...public ministers...and those in which a state shall be party, the Supreme Court shall have original jurisdiction. Public ministers and the State of Florida are Defendants in Gillespie v. Thirteenth Judicial Circuit et. al, Case No. 5:10-cv-00503, US District Court, Middle District of Florida, Ocala Division.

V. Emergency Nature of This Application

7. Gillespie is currently being pursued by law enforcement on an active arrest warrant as a civil contemnor. Judge James D. Arnold found Gillespie in civil contempt June 1, 2011 and

caused warrant number 22044323 to be issued for his arrest. Gillespie is indigent and disabled. Gillespie was found indigent by Allison Raistrick of the Clerk's Indigent Screening Unit May 27, 2011 pursuant to section 27.52 Florida Statutes to appoint the public defender. The public defender appeared at the civil contempt hearing June 1, 2011 and moved to clarify with the Court the applicability of the Application for Criminal Indigent Status and Clerk's Determination. (Exhibit 4). The Court found there was no lawful basis for the appointment of the public defender to represent Gillespie, and issued "Order Relieving The Office of The Public Defender of The Thirteenth Judicial Circuit From Representation of Plaintiff Neil Gillespie". (Exhibit 5).

VI. Turner v. Rogers, U.S. Docket 10-10

8. The question whether an indigent defendant has a constitutional right to appointed counsel at a civil contempt proceeding that results in his incarceration is currently before this Court in Turner v. Rogers, U.S. Docket 10-10 and was argued March 23, 2011. Based upon argument in Turner, Gillespie filed *Plaintiff's Motion For Appointment Of Counsel, ADA Accommodation Request, and Memorandum Of Law*, May 24, 2011. (Exhibit 6). This case was assigned to Judge Arnold November 18, 2010. For much of that time Judge Arnold was on disability leave, according to his assistant Judy D. Williams. It appears from the record that the Court is uninformed about matters in the six-year long lawsuit, and that the Court did not read or consider Gillespie's motion.

VII. Statement Of The Case

9. This six year-long lawsuit is to recover \$7,143 stolen by Gillespie's former lawyers, Barker, Rodems & Cook, PA. Ryan C. Rodems is unethically representing his firm against former client Gillespie. Mr. Rodems' independent professional judgment is materially limited by his own interest and conflict. Gillespie was previously represented in this lawsuit by attorney

Robert W. Bauer, who dropped the case and complained on the record that Mr. Rodems “...decided to take a full nuclear blast approach instead of us trying to work this out in a professional manner...”. Mr. Rodems’ “full nuclear blast approach” has aggravated Gillespie's disability to the point where Gillespie can no longer represent himself at hearings. Gillespie is currently being pursued by law enforcement to arrest him on a writ of bodily attachment sought by Mr. Rodems to collect \$11,550 in sanctions awarded for discovery errors, and a misplaced defense to a libel counterclaim brought by Rodems against Gillespie. The \$11,550 sanction award was a misuse and denial of judicial process under the color of law by the Thirteenth Judicial Circuit, Florida. On the morning of September 28, 2010 Gillespie commenced a federal civil rights and ADA lawsuit, Gillespie v. Thirteenth Judicial Circuit, Florida, et. al, case no. 5:10-cv-00503, US District Court, Middle District of Florida, Ocala Division. Later that day, at a hearing before Circuit Judge Martha J. Cook, upon learning of Gillespie’s lawsuit against her, Judge Cook ordered Gillespie removed from the hearing on Defendants’ Motion for Final Summary Judgment, and Defendants’ Motion for an Order of Contempt and Writ of Bodily Attachment. Judge Cook continued the hearing ex parte and Gillespie had no representation. Judge Cook found for the Defendants on both motions, and then falsified official court records stating that Gillespie left the hearing voluntarily. On January 12, 2011 Major James Livingston, Commander of the Court Operations Division, provided Gillespie a letter that shows Circuit Judge Martha J. Cook falsified court records and denied Gillespie’s participation in the judicial process. Mr. Rodems and his partner William J. Cook are long-time campaign contributors to Circuit Judge Martha J. Cook.

VIII. Our Legal System Depends Upon Integrity Of The Bar And The Bench

10. Our legal system depends upon the integrity of individual members of the bar and bench to follow the rules and codes of the legal profession and the judiciary. That integrity has broken down in this case making it impossible to fairly resolve. The practice of law is a profession the purpose of which is to supply disinterested counsel and service to others using independent professional judgment. In this case opposing counsel's independent professional judgment is materially limited by his own interest and conflict. Deference to the judgments and rulings of courts depends upon confidence in the integrity and independence of judges. In this case Judge Cook abandoned her integrity and independence by acting in the interest of opposing counsel. While Judge Cook is gone, the damage done to the case and Gillespie's position may be impossible to overcome. Because of the foregoing, it is impossible for a fair adjudication of this matter in the 13th Circuit, and perhaps anywhere in Florida.

11. Circuit Court Judge Martha J. Cook repeatedly misused and denied judicial process to Gillespie under the color of law. Gillespie's third motion to disqualify Judge Cook of November 1, 2010 showed how Judge Cook knowingly introduced false information into the court record as a coercive technique used to induce psychological confusion and regression in Gillespie by bringing a superior outside force to bear on his will to resist or to provoke a reaction in Gillespie. The CIA manual on torture techniques, the KUBARK manual, calls this the Alice in Wonderland or confusion technique.

12. Gillespie's fourth motion to disqualify Judge Cook of November 8, 2010, showed that Judge Cook was essentially insolvent due to a near-collapse of the family business, Community Bank of Manatee, which was operating under Consent Order, FDIC-09-569b and OFR 0692-FI-10/09. An insolvent judge lacks judicial independence and is a threat to democracy. As shown in

Gillespie's motion to disqualify, Judge Cook's financial affairs violated the Code of Judicial Canons 2, 3, 5 and 6. Judge Cook's small (\$276M) nonmember FDIC insured bank lost over \$10 million dollars in 2009 and 2010. In 2009 the bank sold a controlling interest to a foreign national, who during the review process in Florida, failed to disclose that his past employer ABN AMRO bank faced one of the largest Money Laundering and Trading With The Enemy cases ever brought by the Department of Justice. See

<http://www.federalreserve.gov/BoardDocs/Press/enforcement/2005/20051219/default.htm>

<http://www.idfpr.com/NEWSRLS/121905ABNAMROFine.asp>

http://lawprofessors.typepad.com/whitecollarcrime_blog/2005/12/abn_amro_bank_t.html

<http://www.fbi.gov/washingtondc/press-releases/2010/wfo051010.htm>

<http://www.justice.gov/opa/pr/2010/May/10-crm-548.html>

In 2011 Judge Cook's bank engaged in an untoward deal to merge two money-losing banks. In April 2011 Florida Governor Rick Scott suggested Gillespie share his concerns with the Florida Cabinet, which he did. Florida Attorney General Pam Bondi responded May 24, 2011 that the matter was forwarded to the legal department. Florida Agriculture Commissioner Adam Putnam responded May 17, 2011 and agreed with Gillespie that that politics have no role in determining the future of a financial institution. (Exhibit 8).

13. A copy of Plaintiff's First Amended Complaint, filed May 5, 2010, is submitted as Exhibit 9. Judge Cook refused to allow Gillespie to file even one amended complaint. The amended complaint shows how Barker, Rodems & Cook, PA perpetrated their fraud against Gillespie and other clients. Mr. Rodems is unethically representing his firm against Gillespie, a former client, on a matter that is the same or substantially similar to the prior representation, and

his independent professional judgment is materially limited by his own interest and conflict, which is the reason for problems in this case. Mr. Rodems should be disqualified as counsel.

IX. Prohibition: Thirteenth Judicial Circuit Has Conflict With Gillespie

14. The Thirteenth Judicial Circuit, Florida has a conflict hearing this case; it is a defendant in Gillespie v. Thirteenth Judicial Circuit, Florida, et al., case 5:10-cv-503, US District Court, MD Fla., Ocala, for the misuse and denial of judicial process under the color of law, and violation of Title II of the ADA. A copy of the complaint is provided as Exhibit 10. Therefore the case should be moved to another circuit or venue.

15. Gillespie petitioned The Supreme Court of Florida, case no. SC11-858, for an Emergency Petition for Writ of Prohibition. (Exhibit 7). The Supreme Court of Florida denied SC11-858 by Order May 18, 2011. (Exhibit 3). This is a matter of public importance since legal research shows there is no case law on this subject, a fact confirmed to Gillespie in an email received from James R. Birkhold, Clerk of the Court, Second District Court of Appeal, Florida.

X. Gillespie's Latest Attempts to Obtain Counsel

16. May 25, 2011 Gillespie emailed counsel who participated in Turner seeking assistance. About an hour later attorney Krista J. Sterken called Gillespie at home with an offer of representation contingent on a conflict search. Ms. Sterken is co-counsel with Michael D. Leffel of Foley & Lardner LLP who submitted an amicus brief in Turner for the Center for Family Policy and Practice. Unfortunately Mr. Leffel declined representation by letter May 27, 2011.

17. June 2, 2011 Gillespie placed an ad on Craigslist seeking counsel. The ad states:

I will pay \$1,000 cash to a Florida licensed attorney in good standing to represent me at a deposition duces tecum in Tampa ASAP. This is civil litigation. \$1,000 represents more than half my monthly income. (I will pay more if you accept terms for the balance). I need prep time too. This is urgent, I'm facing a writ of bodily attachment otherwise. Thank you.

18. In response to the ad, Gillespie retained attorney Eugene P. Castagliuolo June 3, 2011.

Eugene P. Castagliuolo, Esquire
CASTAGLIUOLO LAW GROUP, P. A.
2451 McMullen Booth Road
Clearwater, Florida 33759
Telephone: (727) 712-3333
attorneyepc@yahoo.com

Mr. Castagliuolo has telephoned and sent email to opposing counsel Ryan Christopher Rodems numerous times during the week June 6, 2011 through June 10, 2011 in an effort to resolve the deposition. Mr. Rodems has not responded to Gillespie's counsel.

19. Gillespie has not been provided a copy of the writ of bodily attachment showing what is required to purge. The Clerk of the Court failed to provide a copy of the writ to Gillespie or his representative upon request. Mr. Rodems will not provide a copy of the writ to Mr. Castagliuolo. Because of the above, Gillespie fears that Mr. Rodems is using the writ of bodily attachment as a tool of vengeance, not justice. Gillespie speculates that to purge the contempt/writ a deposition is required where documents are demanded. If the documents don't meet Mr. Rodems impossible standards, the incarceration could continue for months. Another possibility, once incarcerated, Mr. Rodems may have a plan to enter Gillespie's home and remove all the property.

XI. Conclusion

20. This case shows what legal experts are saying. Lawrence Tribe, a constitutional scholar, a former Harvard Law School Professor, and Senior Counselor for Access to Justice at the US Justice Department, spoke in June 2010 at the American Constitution Society. Tribe called Americans' access to justice a "dramatically understated" crisis. "The whole system of justice in America is broken," Tribe said. "The entire legal system is largely structured to be labyrinthine, inaccessible, unusable." Attorney and journalist Amy Bach spent eight years investigating the widespread courtroom failures that each day upend lives across America. Her resulting book is

“Ordinary Injustice, How America Holds Court.” In the process, Bach discovered how the professionals who work in the system, however well intentioned, cannot see the harm they are doing to the people they serve. And perhaps the most important critic relative to the issues in this case is Law Professor Benjamin H. Barton, author of the book “The Lawyer-Judge Bias in the American Legal System”. Barton writes that virtually all American judges are former lawyers, a shared background that results in the lawyer-judge bias. This book argues that these lawyer-judges instinctively favor the legal profession in their decisions and that this bias has far-reaching and deleterious effects on American law. Professor Barton submitted an amici brief in Turner with Professor Darryl Brown in support of Respondents.

WHEREFORE Gillespie petitions the Court for an Emergency Petition For Writ of Prohibition and other remedies the Court may deem appropriate.

RESPECTFULLY SUBMITTED June 11, 2011.

Neil J. Gillespie, petitioner pro se

Appendix

Table of Contents

Exhibit 1	May 4, 2011, Second District Court of Appeal, Order, DENIED 2D11-2127
Exhibit 2	May 4, 2011, Second District Court of Appeal, Amended Order, DENIED 2D11-2127
Exhibit 3	May 18, 2011, Florida Supreme Court, Order, DENIED SC11-858
Exhibit 4	June 1, 2011, Public Defender's Motion for Clarification
Exhibit 5	June 1, 2011, Order Relieving The Office of The Public Defender of The Thirteenth Judicial Circuit From Representation of Plaintiff Neil Gillespie
<div>separate</div> Exhibit 6	May 24, 2011, Plaintiff's Motion For Appointment of Counsel, ADA, Memo of Law
<div>separate</div> Exhibit 7	May 3, 2011, Petition, Supreme Court Florida, writ of prohibition, habeas corpus, SC11-858
Exhibit 8	Letters, Gov. Rick Scott, AG Pam Bondi, Agriculture Commissioner Adam Putnam
<div>separate</div> Exhibit 9	May 5, 2010, <u>Plaintiff's First Amended Complaint</u> , 05-CA-007205, Gillespie v BRC
<div>separate</div> Exhibit 10	September 28, 2010, complaint, <u>Gillespie v Thirteenth Judicial Circuit, Florida, et al</u>

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
SECOND DISTRICT, POST OFFICE BOX 327, LAKELAND, FL 33802-0327

May 4, 2011

CASE NO.: 2D11-2127

L.T. No. : 05-CA-007205

Neil J. Gillespie

v. Barker, Rodems & Cook,
P A & William J. Cook

Appellant / Petitioner(s),

Appellee / Respondent(s).

BY ORDER OF THE COURT:

Petitioner's petition for writ of habeas corpus is denied.

LaROSE, CRENSHAW, and BLACK, JJ., Concur.

I HEREBY CERTIFY that the foregoing is a true copy of the original court order.

Served:

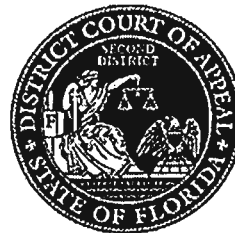
Neil J. Gillespie

Ryan Christopher Rodems, Esq.

Pat Frank, Clerk

aw


James Birkhold
Clerk



EXHIBIT

1

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
SECOND DISTRICT, POST OFFICE BOX 327, LAKE LAND, FL 33802-0327

May 6, 2011

CASE NO.: 2D11-2127

L.T. No. : 05-CA-007205

Neil J. Gillespie

v. Barker, Rodems & Cook,
P A & William J. Cook

Appellant / Petitioner(s),

Appellee / Respondent(s).

BY ORDER OF THE COURT:

AMENDED ORDER

Petitioner's petition for writ of prohibition is denied.

LaROSE, CRENSHAW and BLACK, JJ., Concur.

I HEREBY CERTIFY that the foregoing is a true copy of the original court order.

Served:

Neil J. Gillespie

Ryan Christopher Rodems, Esq.

Pat Frank, Clerk

aw


James Birkhold
Clerk



EXHIBIT

2

Supreme Court of Florida

WEDNESDAY, MAY 18, 2011

CASE NO.: SC11-858

Lower Tribunal No(s): 05-CA-007205

NEIL J. GILLESPIE

vs. BARKER, RODEMS &
COOK, P.A., ET AL.

Petitioner(s)

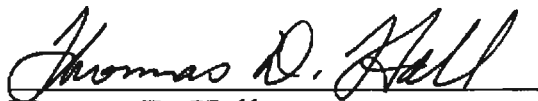
Respondent(s)

The petition for writ of habeas corpus is hereby denied.

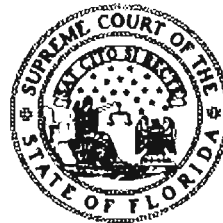
PARIENTE, LEWIS, QUINCE, POLSTON, and PERRY, JJ., concur.

A True Copy

Test:



Thomas D. Hall
Clerk, Supreme Court



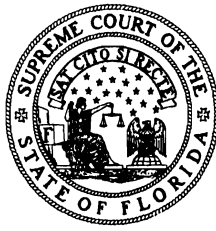
ab

Served:

DAVID A. ROWLAND
NEIL J. GILLESPIE
RYAN CHRISTOPHER RODEMS
HON. PAT FRANK, CLERK
HON. JAMES D. ARNOLD, JUDGE

EXHIBIT

3



Supreme Court of Florida

Office of the Clerk
500 South Duval Street
Tallahassee, Florida 32399-1927

THOMAS D. HALL
CLERK
TANYA CARROLL
CHIEF DEPUTY CLERK
SUSAN DAVIS MORLEY
STAFF ATTORNEY

PHONE NUMBER (850) 488-0125
www.floridasupremecourt.org

ACKNOWLEDGMENT OF NEW CASE

May 4, 2011

RE: NEIL J. GILLESPIE vs. BAKER, RODEMS & COOK,
P.A., ET AL.

CASE NUMBER: SC11-858
Lower Tribunal Case Number(s) : 05-CA-007205

The Florida Supreme Court has received the following documents reflecting a filing date of 5/3/2011.

Emergency Petition for Writ of Habeas Corpus
Emergency Petition for Writ of Prohibition

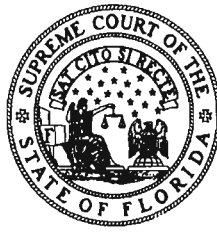
The Florida Supreme Court's case number must be utilized on all pleadings and correspondence filed in this cause. Moreover, ALL PLEADINGS SIGNED BY AN ATTORNEY MUST INCLUDE THE ATTORNEY'S FLORIDA BAR NUMBER.

**FOR GENERAL FILING INFORMATION AND ADMINISTRATIVE ORDER
NO. AOSC04-84, PLEASE VISIT THE CLERK'S OFFICE WEBSITE AT
<http://www.floridasupremecourt.org/clerk/index.shtml>**

wm

cc:

DAVID A. ROWLAND
NEIL J. GILLESPIE
RYAN CHRISTOPHER RODEMS
HON. PAT FRANK, CLERK
HON. JAMES D. ARNOLD, JUDGE



Supreme Court of Florida

Office of the Clerk
500 South Duval Street
Tallahassee, Florida 32399-1927

THOMAS D. HALL
CLERK
TANYA CARROLL
CHIEF DEPUTY CLERK
SUSAN DAVIS MORLEY
STAFF ATTORNEY

PHONE NUMBER (850) 488-0125
www.floridasupremecourt.org

AMENDED
ACKNOWLEDGMENT OF NEW CASE
May 5, 2011

RE: NEIL J. GILLESPIE vs. BARKER, RODEMS &
COOK, P.A., ET AL.

CASE NUMBER: SC11-858
Lower Tribunal Case Number(s) : 05-CA-007205

The Florida Supreme Court has received the following documents reflecting a filing date of 5/3/2011.

Emergency Petition for Writ of Habeas Corpus
Emergency Petition for Writ of Prohibition

The Florida Supreme Court's case number must be utilized on all pleadings and correspondence filed in this cause. Moreover, ALL PLEADINGS SIGNED BY AN ATTORNEY MUST INCLUDE THE ATTORNEY'S FLORIDA BAR NUMBER.

**FOR GENERAL FILING INFORMATION AND ADMINISTRATIVE ORDER
NO. AOSC04-84, PLEASE VISIT THE CLERK'S OFFICE WEBSITE AT
<http://www.floridasupremecourt.org/clerk/index.shtml>**

wm

cc:

DAVID A. ROWLAND
NEIL J. GILLESPIE
RYAN CHRISTOPHER RODEMS
HON. PAT FRANK, CLERK
HON. JAMES D. ARNOLD, JUDGE

Florida Supreme Court Case Docket**Case Number: SC11-858 - Closed****NEIL J. GILLESPIE vs. BARKER, RODEMS & COOK, P.A., ET AL.****Lower Tribunal Case(s): 05-CA-007205**

05/21/2011 02:38

Date Docketed	Description	Filed By	Notes
05/03/2011	PETITION-HABEAS CORPUS	PS Neil J. Gillespie BY: PS Neil J. Gillespie	W/ATTACHMENTS (FILED AS "EMERGANCY PETITION FOR WRIT OF HABEAS CORPUS & EMERGENCY PETITION FOR WRIT OF PROHIBITION") (05/05/11: ACK OF NEW CASE LTR CORRECTED TO REFLECT CORRECT CASE STYLE)
05/04/2011	No Fee Required		
05/18/2011	DISP-HABEAS CORPUS DY		The petition for writ of habeas corpus is hereby denied.

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
GENERAL CIVIL DIVISION

NEIL J. GILLESPIE,

Plaintiff,

VS.

BARKER, RODEMS & COOK, P.A.,
a Florida corporation; WILLIAM J. COOK

Defendants.

CASE NUMBER: 05-CA-7205

DIVISION: J

OFFICE OF THE PUBLIC DEFENDER'S MOTION FOR CLARIFICATION

COMES NOW, the undersigned on behalf of the Office of the Public Defender, to seek clarification of a Clerk's Determination dated May 27, 2011, attached hereto as Exhibit A, allegedly appointing the Office of the Public Defender on behalf of the plaintiff, Neil Gillespie, in this cause based upon the following:

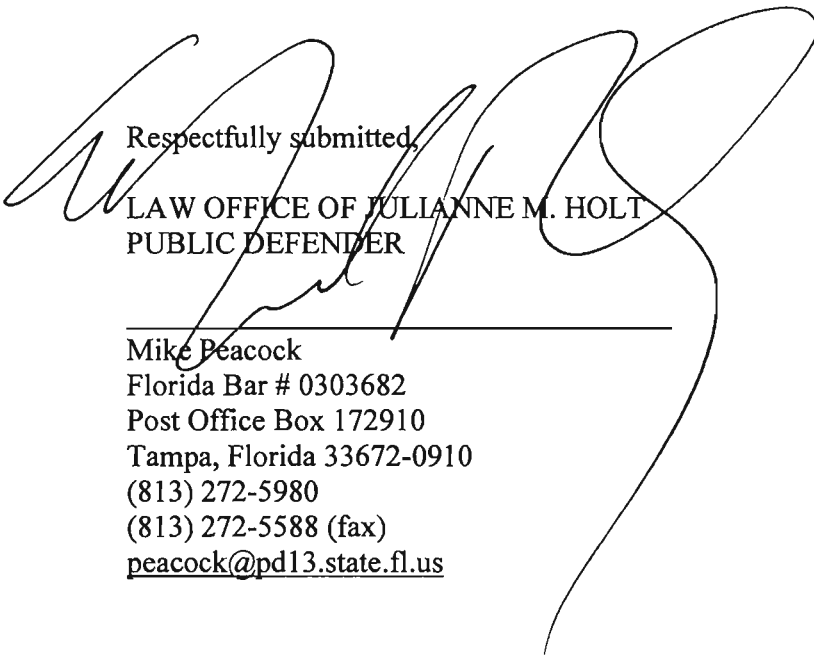
1. An Application for Criminal Indigent Status and Clerk's Determination attached hereto as Exhibit A purports to appoint the Office of the Public Defender to represent the plaintiff in this cause.

2. It appears from the docket in this cause that Neil Gillespie is the plaintiff in this cause and that he is before the Court based upon an Order to Show Cause.

3. Section 27.51, Florida Statutes, sets forth the duties of the Public Defender. The duties of the Public Defender under Section 27.51(b)(3), Florida Statutes, provide that the Public Defender can be appointed in an action for criminal contempt; however, there is no basis for a belief that the plaintiff in this cause, Neil Gillespie, is facing an action for criminal contempt.

WHEREFORE, the undersigned seeks to clarify with the Court the applicability of the Application for Criminal Indigent Status and Clerk's Determination as evidenced in Exhibit A, attached hereto.

I HEREBY CERTIFY that a copy of the foregoing motion has been furnished to Neil Gillespie, 8092 SW 115th Loop, Ocala, FL 34481, Ryan C. Rodems, Esq. of Barker, Rodems & Cook, P.A., 400 North Ashley Drive, Suite 2100, Tampa, FL 33602, and to Richard L. Coleman, Esq., P.O. Box 5437, Valdosta, GA 31603, by hand or U.S. mail delivery, this 1st day of June, 2011.



Respectfully submitted,

LAW OFFICE OF JULIANNE M. HOLT
PUBLIC DEFENDER

Mike Peacock
Florida Bar # 0303682
Post Office Box 172910
Tampa, Florida 33672-0910
(813) 272-5980
(813) 272-5588 (fax)
peacock@pd13.state.fl.us

/km

IN THE CIRCUIT/COUNTY COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA

STATE OF FLORIDA vs.

Neil Gillespie

CASE NO. 05-CA-007205

Defendant/Minor Child

APPLICATION FOR CRIMINAL INDIGENT STATUS

☒ I AM SEEKING THE APPOINTMENT OF THE PUBLIC DEFENDER
OR

☐ I HAVE A PRIVATE ATTORNEY OR AM SELF-REPRESENTED AND SEEK DETERMINATION OF INDIGENCE STATUS FOR COSTS

Notice to Applicant: The provision of a public defender/court appointed lawyer and costs/due process services are not free. A judgment and lien may be imposed against all real or personal property you own to pay for legal and other services provided on your behalf or on behalf of the person for whom you are making this application. There is a \$50.00 fee for each application filed. If the application fee is not paid to the Clerk of the Court within 7 days, it will be added to any costs that may be assessed against you at the conclusion of this case. If you are a parent/guardian making this affidavit on behalf of a minor or tax-dependent adult, the information contained in this application must include your income and assets.

1. I have 0 dependents. (Do not include children not living at home and do not include a working spouse or yourself.)
2. I have a take home income of \$ 1749 paid () weekly () bi-weekly () semi-monthly () monthly () yearly
(Take home income equals salary, wages, bonuses, commissions, allowances, overtime, tips and similar payments, minus deductions required by law and other court-ordered support payments)
3. I have other income paid () weekly () bi-weekly () semi-monthly () monthly () yearly: (Circle "Yes" and fill in the amount if you have this kind of income, otherwise circle "No")
- | | | | | | |
|--------------------------------|--------------------|----|------------------------------------------------------------------------|--------|----|
| Social Security benefits..... | Yes \$ <u>1749</u> | No | Veterans' benefit..... | Yes \$ | No |
| Unemployment compensation..... | Yes \$ | No | Child support or other regular support from family members/spouse..... | Yes \$ | No |
| Union Funds..... | Yes \$ | No | Rental income..... | Yes \$ | No |
| Workers compensation..... | Yes \$ | No | Dividends or interest..... | Yes \$ | No |
| Retirement/pensions..... | Yes \$ | No | Other kinds of income not on the list..... | Yes \$ | No |
| Trusts or gifts..... | Yes \$ | No | | | |
4. I have other assets: (Circle "Yes" and fill in the value of the property, otherwise circle "No." Use the back of this form to provide additional information.)
- | | | | | | |
|--------------------------------------------------------------|-------------------|----|--------------------------------------------------------------------------------------------|--------|----|
| Cash..... | Yes \$ <u>00</u> | No | Savings..... | Yes \$ | No |
| Bank account(s)..... | Yes \$ | No | Stocks/bonds..... | Yes \$ | No |
| Certificates of deposit or money market accounts..... | Yes \$ | No | *Equity in Real estate (excluding homestead): Yes \$ | No | No |
| *Equity in Motor Vehicles/Boats/Other tangible property..... | Yes \$ <u>300</u> | No | *Equity means value minus loans. Also list any expectancy in an interest in such property. | | |
| List the year/make/model and tag #: <u>1998 Dodge Van</u> | | | List the address of this property: | | |
| | | | Address | | |
| | | | City, State, Zip | | |
| | | | County of Residence | | |
5. I have a total amount of liabilities and debts in the amount of \$ 44,000
6. I receive: (Circle "Yes" or "No")
- | | | |
|--------------------------------------------------------------|-----|----|
| Temporary Assistance for Needy Families-Cash Assistance..... | Yes | No |
| Poverty-related veterans' benefits..... | Yes | No |
| Supplemental Security Income (SSI)..... | Yes | No |
7. I have been released on bail in the amount of \$ 25 Cash 25 Surety 0 Posted by: Self 0 Family 0 Other 0

A person who knowingly provides false information to the clerk or the court in seeking a determination of indigent status under s. 27.52, F.S., commits a misdemeanor of the first degree, punishable as provided in s. 775.082, F.S., or s. 775.083, F.S. I attest that the information I have provided on this Application is true and accurate to the best of my knowledge.

Signed this 27 day of MAY, 2011.

Signature of Applicant for Indigent Status

Date of Birth 3-19-1956

Print Full Legal Name

Driver's license or ID number G421-630-56090

Address

City, State, Zip

Phone number

Neil S Gillespie
8092 SW 115th Ave
OCALA FL 34281
352-859-7807

CLERK'S DETERMINATION

☒ Based on the information in this Application, I have determined the applicant to be ☒ Indigent () Not Indigent

☒ The Public Defender is hereby appointed to the case listed above until relieved by the Court.

Dated this 27 day of May, 2011

PAT FRANK
Clerk of the Circuit Court

Deputy Clerk

This form was completed with the assistance of
Clerk/Deputy Clerk/Other authorized person

APPLICANTS FOUND NOT INDIGENT MAY SEEK REVIEW BY ASKING FOR A HEARING TIME. Sign here if you want the judge to review the clerk's decision of not indigent.

06/18/10

EXHIBIT "A"

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, STATE OF FLORIDA
GENERAL CIVIL DIVISION

NEIL J. GILLESPIE,
Plaintiff,

CASE NUMBER.: 05-CA-7205

DIVISION: J

v.

BARKER, RODEMS & COOK, P.A.,
a Florida corporation; WILLIAM J.
COOK
Defendants.

_____ /

**ORDER RELIEVING THE OFFICE OF THE PUBLIC DEFENDER OF THE
THIRTEENTH JUDICIAL CIRCUIT FROM REPRESENTATION
OF PLAINTIFF NEIL GILLESPIE**

THIS CAUSE having come to be heard on the Motion of the Office of the Public Defender for Clarification and the Court being fully advised in the premises does hereby relieve the Office of the Public Defender of the Thirteenth Judicial Circuit from representation of the plaintiff in this cause as there is no lawful basis for the appointment of the Office of the Public Defender to represent the plaintiff in the cause currently before the Court.

DONE AND ORDERED at Tampa, Hillsborough County, Florida on this _____ day of June, 2011.

HONORABLE JAMES D. ARNOLD
CIRCUIT COURT JUDGE
THIRTEENTH JUDICIAL CIRCUIT
HILLSBOROUGH COUNTY, FLORIDA

Copies furnished to:

Neil Gillespie, 8092 SW 115th Loop, Ocala, FL 34481
Ryan C. Rodems, Barker, Rodems & Cook, 400 North Ashley Dr., Ste. 2100, Tampa, FL 33602
Richard L. Coleman, Esq., P.O. Box 5437, Valdosta, GA 31603
Mike Peacock, Office of the Public Defender

/km

ORIGINAL SIGNED

JUN - 1 2011

**JAMES D. ARNOLD
CIRCUIT JUDGE**

EXHIBIT

5



RICK SCOTT
GOVERNOR

STATE OF FLORIDA
Office of the Governor

THE CAPITOL
TALLAHASSEE, FLORIDA 32399-0001

www.flgov.com
850-488-7146
850-487-0801 fax

April 13, 2011

Mr. Neil Gillespie
8092 Southwest 115th Loop
Ocala, Florida 34481

Dear Mr. Gillespie:

Thank you for contacting Governor Rick Scott's office about changes to the Office of Financial Regulation. The Governor asked that I respond on his behalf.

Governor Scott wants to know how people feel about the many issues we face and your input is important to him. As you know, the Governor and the Cabinet serve over the Office of Financial Regulation (OFR) together as the Financial Services Commission and make decisions about its functions. You may also wish to share your concerns with the Florida Cabinet: Attorney General Pam Bondi, Chief Financial Officer Jeff Atwater and Agriculture Commissioner Adam Putnam. Please do not hesitate to write again to share your concerns and ideas about issues that are important to you.

Thank you again for taking the time to contact the Governor's Office.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie A. Jordan".

Julie A. Jordan
Office of Citizen Services

JAJ/cas

EXHIBIT

8

Attorney General Pam Bondi
Office of Attorney General
State of Florida
The Capitol PL-01
Tallahassee, FL 32399-1050

April 30, 2011

Chief Financial Officer Jeff Atwater
Office of the Chief Financial Officer
Florida Department of Financial Services
200 East Gaines Street
Tallahassee, FL 32399-0301

Agriculture Commissioner Adam Putnam
Florida Department of Agriculture and Consumer Services
The Capitol
Tallahassee, FL 32399-0800

Dear Ms. Bondi, and Messrs. Atwater and Putnam:

Governor Scott suggested I share my concerns with the Florida Cabinet about my recent experience with the Office of Financial Regulation (OFR). In a word, it was awful. Enclosed you will find copies of the Governor's letter and my letter to him of February 22, 2011 about irregularities in the application of Marcelo Lima, foreign national, to obtain a controlling interest in a Community Bank of Manatee (CBM), a small (\$276M) nonmember FDIC insured bank.

The bank lost over \$10 million dollars in 2009 and 2010 and was under consent order until recently. CBM was founded in 1995 by William H. Sedgeman who is married to Circuit Judge Martha J. Cook in Hillsborough County. Judge Cook's 2009 Form 6 disclosure showed she was essentially insolvent. An insolvent judge lacks judicial independence and is a threat to democracy. That might explain her outrageous behavior while presiding over a civil lawsuit between me and my former lawyers. Judge Cook recused herself immediately upon my Petition For Writ of Prohibition, 2D10-5529, which included information about her insolvency.

Good government benefits the well-being of Florida and its residents and has my support. Good government breaks down when special interests prevail, and that appears the case at OFR and a proposed merger between Judge Cook's bank and First Community Bank of America, Pinellas Park, Florida. I believe OFR Commissioner Cardwell is using his office to benefit the special interests of Judge Cook, her bank, and well-connected law firms who appear before Judge Cook, over the interests of the citizens of Florida. The proposed merger is between two money-losing banks that makes no financial sense given the poor economic conditions in the bank's market.

OFR granted my petition for a public hearing on the proposed merger (Admin. File No. 0828-FI-03/11) but stonewalled requests for information about the public hearing process. For example OFR failed to provide an agenda for the hearing. OFR counsel Janet Massin Anderson, Fla. Bar No. 054821, responded to my request for information stating "Please be advised that the public hearing in the matter of the proposed merger of Community Bank & Co. and First Community

Bank of America is being handled in accordance with Florida Statutes and the rules promulgated thereunder.” Clearly this is not useful in understanding the public hearing process.

Ms. Anderson also failed to provide the Order Granting Hearing as shown in the certificate of service, misconduct intended to impede my participation. Twenty-five hours before the hearing I filed a notice of withdrawal due to a renewed threat of incarceration on a bogus contempt order by Judge Cook in the civil litigation. Ms. Anderson failed to acknowledge the withdrawal, or confirm if the hearing would be canceled, until the next day, and less than 2 hours before the hearing commenced. Ms. Anderson’s misconduct should be disciplined by the Florida Bar.

Florida’s financial institutions have failed at a faster rate, and cost the FDIC disproportionately more than elsewhere. This past December Commissioner Cardwell reported to the Financial Services Commission that “Since January 2009, 44 financial institutions have failed: 14 in 2009, 29 in 2010 and one already in 2011. Florida is in the top five states nationally in the number of mortgage foreclosures.” The mortgage foreclosure crisis has resulted in the breakdown of the rule of law in Florida’s courts. Last month the ACLU sued Lee County for systematically denying homeowners a fair opportunity to defend their homes against foreclosure.

The Financial Crisis Inquiry Commission determined that the 2008 financial crisis was an “avoidable” disaster caused by widespread failures in government regulation, corporate mismanagement and heedless risk-taking by Wall Street. More recently the 650-page US Senate report, “Wall Street and the Financial Crisis: Anatomy of a Financial Collapse,” was released by the Senate Permanent Subcommittee on Investigations. Senator Carl Levin, co-chairman of the subcommittee, said in a New York Times interview, “The overwhelming evidence is that those institutions deceived their clients and deceived the public, and they were aided and abetted by deferential regulators and credit ratings agencies who had conflicts of interest.” (New York Times, April 13, 2011, *Naming Culprits in the Financial Crisis*).

I encourage each of you to read the documents in my petition for public hearing on the proposed merger, which are also published on Scribd. You will find OFR is a parody, Mr. Cardwell used his office to benefit a special interest, and Ms. Anderson is unethical.

Thank you for your consideration.

Sincerely,

Neil J. Gillespie
8092 SW 115th Loop
Ocala, Florida 34481

cc: Gov. Rick Scott (letter only)
Enclosures



FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
COMMISSIONER ADAM H. PUTNAM

May 17, 2011

Mr. Neil J. Gillespie
8092 SW 115th Loop
Ocala, FL 34481

Dear Mr. Gillespie:

Thank you for contacting Commissioner Putnam to share your concerns with the Florida Office of Financial Regulation (OFR). He has requested that I contact you on his behalf.

Commissioner Putnam agrees that politics have no role in determining the future of a financial institution and believes that consistent regulation of our state's financial institutions will provide for the growth and stability of sound community banks and thrifts. Please know that it remains of paramount importance to the Commissioner that Florida's financial institutions receive fair and equal treatment among regulators – whether State or Federal.

The Commissioner has directed me to make sure your concerns are brought to OFR's attention and properly addressed.

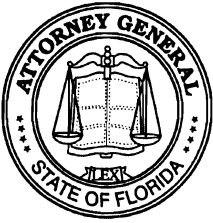
If you would like to discuss this matter further, please feel free to contact our Cabinet Affairs Office at (850) 617-7747.

Sincerely,

A handwritten signature in black ink that reads "Brooke R. McKnight".

Brooke R. McKnight
Deputy Cabinet Affairs Director

cc: Linda Charity, Director
Division of Financial Institutions
Office of Financial Regulation



**PAM BONDI
ATTORNEY GENERAL
STATE OF FLORIDA**

OFFICE OF THE ATTORNEY GENERAL

**Office of Citizen Services
The Capitol
Tallahassee, Florida 32399-1050**

**Toll-free In Florida: (866) 966-7226
Telephone: (850) 414-3990
Fax: (850) 410-1630**

May 24, 2011

Mr. Neil J. Gillespie
8092 Southwest 115th Loop
Ocala, Florida 34481

Dear Mr. Gillespie:

Attorney General Pam Bondi received your correspondence regarding your experiences with the Florida Office of Financial Regulation (OFR). Attorney General Bondi asked that I respond. I am sorry for your difficulties.

We have reviewed your correspondence to determine if our agency can in any way be of assistance to you. Your complaint has been forwarded to the Attorney General's legal staff for further review. What action, if any, this office may take is unknown at this time. However, please be aware our office does not mediate on behalf of private individuals.

If you are dissatisfied with the handling of your concerns by OFR, you may wish to contact the OFR Inspector General for any assistance which may be available. The contact information is:

Office of Inspector General
Office of Financial Regulation
200 East Gaines Street
Tallahassee, Florida 32399-0370
Telephone: (850) 410-9712

As the OFR is an agency under the direct authority of the Governor's Office, you may also wish to contact the Chief Inspector General for the State of Florida at (850) 922-4637.

Please consult a private attorney for any legal guidance you may need. The Florida Bar offers a Lawyer Referral Service toll-free at (800) 342-8060. If you cannot afford an attorney, you may be eligible for low cost or pro bono assistance through a local legal aid office. The Florida Bar can assist you with this process.

I hope you will understand the Attorney General's duties are prescribed by law. Thank you for taking the time to share your concerns with the Attorney General's Office.

Sincerely,

A handwritten signature in black ink, appearing to read "Brandon Brooks".

Brandon Brooks
Office of Citizen Services